

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 597

Introduced by Assembly Member Dahle

February 20, 2013

An act to amend Section ~~25252~~ 25253 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 597, as amended, Dahle. Hazardous materials: chemicals of concern.

Existing law requires the Department of Toxic Substances Control to adopt regulations to establish a process to identify and prioritize chemicals or chemical ingredients in consumer products, to establish a process for evaluating chemicals of concern in consumer products and their potential alternatives for the purposes of limiting exposure or to reduce the level of hazard posed by chemicals of concern, and a range of regulatory responses that the department may take following the evaluation.

This bill would ~~make a technical, nonsubstantive change to these provisions~~ *prohibit the department from taking a regulatory response until an unspecified number of days after the date that the department submits a notice to the consumer product manufacturer, the consumer product distributor, and the consumer product retailer of the proposed action.*

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 **SECTION 1.** *Section 25253 of the Health and Safety Code is*
2 *amended to read:*

3 25253. (a) (1) On or before January 1, 2011, the department
4 shall adopt regulations pursuant to this section that establish a
5 process for evaluating chemicals of concern in consumer products,
6 and their potential alternatives, to determine how best to limit
7 exposure or to reduce the level of hazard posed by a chemical of
8 concern, in accordance with the review process specified in Section
9 25252.5. The department shall adopt these regulations in
10 consultation with all appropriate state agencies and after conducting
11 one or more public workshops for which the department provides
12 public notice and provides an opportunity for all interested parties
13 to comment.

14 (2) The regulations adopted pursuant to this section shall
15 establish a process that includes an evaluation of the availability
16 of potential alternatives and potential hazards posed by those
17 alternatives, as well as an evaluation of critical exposure pathways.
18 This process shall include life cycle assessment tools that take into
19 consideration, but shall not be limited to, all of the following:

- 20 (A) Product function or performance.
- 21 (B) Useful life.
- 22 (C) Materials and resource consumption.
- 23 (D) Water conservation.
- 24 (E) Water quality impacts.
- 25 (F) Air emissions.
- 26 (G) Production, in-use, and transportation energy inputs.
- 27 (H) Energy efficiency.
- 28 (I) Greenhouse gas emissions.
- 29 (J) Waste and end-of-life disposal.
- 30 (K) Public health impacts, including potential impacts to
31 sensitive subpopulations, including infants and children.
- 32 (L) Environmental impacts.
- 33 (M) Economic impacts.

34 (b) The regulations adopted pursuant to this section shall specify
35 the range of regulatory responses that the department may take
36 following the completion of the alternatives analysis, including,
37 but not limited to, any of the following actions:

- 38 (1) Not requiring any action.

1 (2) Imposing requirements to provide additional information
2 needed to assess a chemical of concern and its potential
3 alternatives.

4 (3) Imposing requirements on the labeling or other type of
5 consumer product information.

6 (4) Imposing a restriction on the use of the chemical of concern
7 in the consumer product.

8 (5) Prohibiting the use of the chemical of concern in the
9 consumer product.

10 (6) Imposing requirements that control access to or limit
11 exposure to the chemical of concern in the consumer product.

12 (7) Imposing requirements for the manufacturer to manage the
13 product at the end of its useful life, including recycling or
14 responsible disposal of the consumer product.

15 (8) Imposing a requirement to fund green chemistry challenge
16 grants where no feasible safer alternative exists.

17 (9) Any other outcome the department determines accomplishes
18 the requirements of this article.

19 (c) *The department shall not take an action specified in*
20 *paragraphs (2) to (9), inclusive, of subdivision (b) until _____ days*
21 *after the date that the department submits a notice to the consumer*
22 *product manufacturer, the consumer product distributor, and the*
23 *consumer product retailer of the proposed action.*

24 (e)
25 (d) The department, in developing the processes and regulations
26 pursuant to this section, shall ensure that the tools available are in
27 a form that allows for ease of use and transparency of application.
28 The department shall also make every feasible effort to devise
29 simplified and accessible tools that consumer product
30 manufacturers, consumer product distributors, *consumer* product
31 retailers, and consumers can use to make consumer product
32 manufacturing, sales, and purchase decisions.

33 ~~SECTION 1. Section 25252 of the Health and Safety Code is~~
34 ~~amended to read:~~

35 ~~25252. (a) The department shall adopt regulations to establish~~
36 ~~a process to identify and prioritize those chemicals or chemical~~
37 ~~ingredients in consumer products that may be considered as being~~
38 ~~a chemical of concern, in accordance with the review process~~
39 ~~specified in Section 25252.5. The department shall adopt these~~
40 ~~regulations in consultation with the office and all appropriate state~~

1 agencies and after conducting one or more public workshops for
2 which the department provides public notice and provides an
3 opportunity for all interested parties to comment. The regulations
4 adopted pursuant to this section shall establish an identification
5 and prioritization process that includes, but is not limited to, all of
6 the following considerations:

7 (1) The volume of the chemical in commerce in this state.

8 (2) The potential for exposure to the chemical in a consumer
9 product.

10 (3) Potential effects on sensitive subpopulations, including
11 infants and children.

12 (b) (1) In adopting regulations pursuant to this section, the
13 department shall develop criteria by which chemicals and their
14 alternatives may be evaluated. These criteria shall include, but not
15 be limited to, the traits, characteristics, and endpoints that are
16 included in the clearinghouse data pursuant to Section 25256.1.

17 (2) In adopting regulations pursuant to this section, the
18 department shall reference and use, to the maximum extent feasible,
19 available information from other nations, governments, and
20 authoritative bodies that have undertaken similar chemical
21 prioritization processes, so as to leverage the work and costs
22 already incurred by those entities and to minimize costs and
23 maximize benefits for the state's economy.

24 (3) Paragraph (2) does not require the department, when
25 adopting regulations pursuant to this section, to reference and use
26 only the available information specified in paragraph (2).